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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/529,159

03/24/2005

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EXAMINER

WEINSTEIN, LEONARD J

ART UNIT

PAPER NUMBER

3746

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DELIVERY MODE

02/18/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 10/529,159</p>	<p>Applicant(s) DINKEL ET AL.</p>	
	<p>Examiner LEONARD J. WEINSTEIN</p>	<p>Art Unit 3746</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 December 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: 25-28.
Claim(s) objected to: _____.
Claim(s) rejected: 16, 19, 23, 24 and 31.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Devon C Kramer/
Supervisory Patent Examiner, Art Unit 3746

/Leonard J Weinstein/
Examiner, Art Unit 3746

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments filed December 21, 2009 have been fully considered but they are not persuasive.

With respect to the rejection of claim 16 as being anticipated by Risch WO 99/42725 corresponding to US 6,450,787 the applicant argues:

1. The spring 13 is not housed by a holding clip 60 and is not preloaded by the relative displacement of a holding clip 60 and valve cartridge.

Response: The examiner notes that the cage part 7 taught by Risch includes element 10 which moves relative to element 60. The limitations as claimed require a spring to be housed by a combination of cage parts and preloaded under the relative movement of those cage parts. No limitation precludes a subpart of one cage part from teaching a component that moves relative to other major cage part. The clip 60 generally houses the spring taught by Risch because it surrounds it. The moving valve member 10 is a part of cage part 7 and moves relative to clip 60.

2. The applicant argues that the extensions 64 and 65 do not teach deformable resilient locking arms.

Response: The examiner notes that in US 6,450,787 Risch teaches that elements 65 and 66 could be formed of plastic in one piece with element 7, or as lugs that are injection molded. Risch US 6,450,787, col. 11 ll. 31-45. If formed by the former method then the projections 64 and 65 could have some inherent resiliency because they are plastic, many forms of which produce resilient components, and each would deform slightly when the flat surfaces just before elements 63 and 64 on the clip 60 could press elements 65 and 66 inward when the clip 60 is engaged to element 7.

With respect to the rejection of claims 16, 19, 23, 24, and 31 under 35 U.S.C. 103(a) as being unpatentable over Hinz 01/70550 in view of Schuller US 6,361,295, further in view of Grieff DE 19820136 still further in view of Risch WO 99/42725 the applicant argues:

1. The combination of references do not teach the limitations as claimed because the holding clip 60 of Risch and the clamp 120 of Grieff are not configured to cage and simultaneously elastically preload a resetting spring.

Response: The examiner notes that Risch and Grieff were relied on in the combination for teaching separate cage parts having a specific type of detent connection where an arm on one cage member engages a hole on a second cage member. Office Action of October 22, 2009, page 7. Hinz was presented as teaching separate cage parts 36 and 63 that house a spring that is preloaded by the relative movement of the separate cage parts 36 and 63. Schuller was relied upon to teach cage members 54, 64, and 68 which house a spring wherein element 68 is analogous to element 63 of Hinz. The combination of these references would modify the cage parts 36 and 63 of Hinz so that cage part 63 would have locking arms (such as element 80 of Schuller) that engages a detent connection on cage part 36 (such as the lip formed by element 72 of Schuller). The general teaching of Schuller is for a structure that houses a valve where individual parts are connected together with a deformable arm and a lip. Risch and Grieff teach similar connections between valve housing members using detent connections and deformable arms. Risch and Grieff were used for a teaching that would modify the specific locking engagement between the cage parts of Schuller as applied to Hinz. The examiner relied on Risch and Grieff for the specific teaching of a deformable arm (such as elements 71 and 72 of Risch and 123 of Grieff) on a first valve housing member, engaging a hole or recess on a main valve housing part (such as elements 73 and 74 of Risch and element 124 of Grieff) on second valve housing member. The connection is similar variant to the connection between cage parts taught by Schuller. In summary the examiner cited Hinz as teaching separate cage parts housing a spring preloaded under the relative movement of the cage parts, Schuller for teaching connecting separate valve housing parts by a detent connection, and Grieff and Schuller for a specific type of detent connection between housing parts that generally house (or at least surround) a resetting spring. In the combination Grieff and Schuller were not relied upon for teaching cage parts that move relative to one another and preload a spring.